

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
STATESVILLE DIVISION  
No. 5:16-CV-47-GCM

ROBERT M. WHITE,

Plaintiff,

v.

NANCY A. BERRYHILL,  
Acting Commissioner of  
Social Security,

Defendant.

ORDER

Plaintiff's counsel filed a motion for approval of attorney's fees under section 206(b) of the Social Security Act, 42 U.S.C. § 406(b), in the amount of \$25,000.00. Attorney's fees under section 206(b) are paid from past-due benefits awarded to a successful claimant. 42 U.S.C. § 406(b). Plaintiff has previously been awarded Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412, fees in the amount of \$3,599.75 and counsel will return to Plaintiff the amount awarded under the EAJA.

Defendant filed a response neither supporting or opposing the fee request, but stating that under *Gisbrecht v. Barnhart*, 535 U.S. 789 (2002), it is the duty of the Court to determine a reasonable fee. After considering the factors identified by the Fourth Circuit in *Mudd v. Barnhart*, 418 F.3d 424, 428 (4th Cir. 2005), the Court finds the fees requested to be reasonable.

It is ORDERED that Plaintiff's counsel be awarded fees under 42 U.S.C. § 406(b) in the amount of \$25,000, and refund to Plaintiff the smaller award between this amount and the EAJA award.

Signed: February 15, 2019



Graham C. Mullen  
United States District Judge

